

### **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed July 1, 2005 (Paper No. 20050616). Upon entry of this response, claims 70-74, 80-83, and 103-107 are pending in the application. In this response, claims 70-74 have been amended, and claims 103-107 have been added. . Applicant respectfully requests that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Rejection of Claims 70-72, 74, and 80-83 under 35 U.S.C. §102

Claims 70-72, 74, and 80-83 has been rejected under §102(b) as allegedly anticipated by *Pregont et al.* (U.S. 5,351,245). A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claim 70

Applicant respectfully traverses the rejection of claim 70 under §102(b). Applicant respectfully submits that *Pregont et al.* does not disclose, teach, or suggest the feature of “a digital signal processor (DSP), where said DSP comprises...frame check sequence logic configured to compute a frame check sequence” as recited in claim 70.

*Pregont et al.* discloses:

The radiotelephone 101 includes a receiver 111, a transmitter 109, a user interface 113, and a processing system 115. The processing system includes a microprocessor, a digital signal processor, and their associated memory and logic devices.  
(Col. 2, lines 25-35.)

*Pregont et al.* further discloses that the processing system 115 performs a CRC check on received data. (Col. 4, lines 15-20.)

The Office Action asserts that because the processing system of *Pregont et al.* includes a DSP, and the processing system 115 performs a CRC check, then *Pregont et al.* discloses “a digital signal processor (DSP), where said DSP comprises...frame check sequence logic configured to compute a frame check sequence.” Applicant respectfully disagrees. *Pregont et al.* does not disclose that the DSP computes a CRC, only that a processing system computes a CRC. *Pregont et al.* does not disclose which processing component – the microprocessor or the DSP – computes the CRC. In contrast, claim 70 recites a specific structural component (“a digital signal processor”) that performs the specific function “configured to compute a frame check sequence.”

For at least the reason that *Pregont et al.* fails to disclose, teach or suggest “a digital signal processor (DSP), where said DSP comprises...frame check sequence logic configured to compute a frame check sequence,” Applicant respectfully submits that *Pregont et al.* does not anticipate claim 70. Therefore, Applicant requests that the rejection of claim 70 be withdrawn.

b. Claim 71

Applicant respectfully traverses the rejection of claim 70 under §102(b). Applicant respectfully submits that *Pregont et al.* does not disclose, teach, or suggest the feature of “means for saving the parameter...if said frame check sequence indicates that said received signal is error free” as recited in claim 71.

*Pregont et al.* discloses an RCH frame

containing one of the following three message: a transmission power control message, a time alignment message, or a downlink power setting message. These messages contain housekeeping information and are described in the RCR Standard 27§4.1.4.4. and subsequent. The RCH control bits are used by the layer one software within the radiotelephone 101 to control basic functions of the radiotelephone.  
(Col. 3, lines 5-15.)

Applicant will assume, *arguendo*, that these messages correspond to the claimed parameter of an adaptive device, as alleged in the Office Action (p. 3, second paragraph). Applicant will further assume, *arguendo*, that the messages are saved as parameters, although this was not alleged. Even so, *Pregont et al.* does not teach any relationship between these parameters and the CRC. In contrast, Applicant's claimed invention, as defined in claim 71 saves the parameter "if said frame check sequence indicates that said received signal is error free."

For at least the reason that *Pregont et al.* fails to disclose, teach or suggest "means for saving the parameter...if said frame check sequence indicates that said received signal is error free," Applicant respectfully submits that *Pregont et al.* does not anticipate claim 71. Therefore, Applicant requests that the rejection of claim 71 be withdrawn.

c. Claim 72

Applicant respectfully submits that *Pregont et al.* does not disclose, teach, or suggest the feature of "using an existing parameter if said frame check sequence indicates that said received signal contains errors" as recited in claim 72.

*Pregont et al.* discloses an RCH frame

containing one of the following three message: a transmission power control message, a time alignment message, or a downlink power setting message. These messages contain housekeeping information and are described in the RCR Standard 27§4.1.4.4. and subsequent. The RCH control bits are used by the layer one software within the radiotelephone 101 to control basic functions of the radiotelephone.  
(Col. 3, lines 5-15.)

Applicant will assume, *arguendo*, that these messages correspond to the claimed parameter of an adaptive device, as alleged in the Office Action (p. 3, second paragraph.) Even so, *Pregont et al.* does not teach any relationship between these parameters and the CRC. In

contrast, Applicant's claimed invention, as defined in claim 72 uses "an existing parameter if said frame check sequence indicates that said received signal contains errors."

For at least the reason that *Pregont et al.* fails to disclose, teach or suggest "using an existing parameter if said frame check sequence indicates that said received signal contains errors," Applicant respectfully submits that *Pregont et al.* does not anticipate claim 72. Therefore, Applicant requests that the rejection of claim 72 be withdrawn.

d. Claim 74

Applicant respectfully traverses the rejection of claim 74 under §102(b). Applicant respectfully submits that *Pregont et al.* does not disclose, teach, or suggest the feature of "wherein said frame check sequence is used to adapt a receive margin level based on said received signal" as recited in claim 74.

The Office Action rejection of claim 74 does not allege that this claimed feature is taught by *Pregont et al.* *Pregont et al.* does disclose that the processing system 115 performs a CRC check on received data (Col. 4, lines 15-20), but Applicant can find no discussion in *Pregont et al.* of how the CRC "is used to used to adapt a receive margin level based on said received signal."

For at least the reason that *Pregont et al.* fails to disclose, teach or suggest "wherein said frame check sequence is used to adapt a receive margin level based on said received signal" Applicant respectfully submits that *Pregont et al.* does not anticipate claim 74. Therefore, Applicant requests that the rejection of claim 74 be withdrawn.

2. Rejection of Claim 73 under 35 U.S.C. §103

Claim 73 has been rejected under §103(a) as allegedly obvious over *Pregont et al.* (U.S. 5,351,245) in view of *Martin* (U.S 4,361,892). Applicant respectfully traverses this rejection.

Since claim 70 is allowable for at least the reasons discussed above, Applicant respectfully submits that claim 73 is allowable for at least the reason that it depends from an allowable claim.


*In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claim 73 be withdrawn.

**CONCLUSION**

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 70-74, 80-83, and 103-107 be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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& RISLEY, L.L.P.**

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